

**THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WISCONSIN**

MENARD, INC.,

Plaintiff,

V.

NATIONAL LABOR RELATIONS BOARD,

Defendant.

**Civil Action No. 18-CV-376**

**JOINT MOTION REQUESTING  
EXPEDITED CONSIDERATION  
AND RULING ON NLRB's  
MOTION TO DISMISS**

On July 3, 2018 Defendant, the National Labor Relations Board (NLRB), filed its motion to dismiss Plaintiff Menard, Inc.’s complaint for lack of subject matter jurisdiction (Dkt. 9). Menard filed its Opposition to the NLRB’s motion on July 20, 2018 (Dkt. 11); the NLRB filed its Reply on August 1, 2018 (Dkt. 12).

The matter now being fully briefed, both the NLRB and Menard hereby respectfully request expedited consideration and ruling on the Motion to Dismiss (Dkt. 8) for the following reasons.

1. Menard’s First Amended Complaint (Dkt. 7) seeks to permanently enjoin a pending National Labor Relations Act unfair labor practice proceeding. (Dkt. 2 at 6).

2. The administrative hearing on the NLRB's unfair labor practice complaint against Menard is scheduled to commence on August 20, 2018. (Dkt. 9 at 2).
3. The parties have conferred and agree that resolution of the NLRB's pending Motion to Dismiss prior to the August 20th opening date of the hearing will obviate the need for Menard to seek either a temporary restraining order or a preliminary injunction to preserve its rights.
4. Given the status of NLRB's current administrative hearing calendar, NLRB administrative trial counsel's trial schedule in other pending cases, and the need for prompt resolution of the pending unfair labor practice proceedings, it is difficult and inadvisable to postpone the administrative hearing.

Therefore, the parties request that this Court expedite consideration and ruling on the Motion to Dismiss so that a decision may issue before the August 20, 2018 administrative hearing date. The parties are also available for oral argument if the Court believes oral argument would be useful.

Dated: August 2, 2018

Respectfully submitted,

/s/ Gary Kenneth Roehm

Gary Kenneth Roehm

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